

-102 UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|---------------------------|---|--------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | |
| |) | CRIMINAL NO. 14-10276-IT |
| JOHN WILLIAM CRANNEY, aka |) | |
| JACK CRANNEY |) | |
| Defendant. |) | |

MOTION TO CONTINUE TRIAL TO APRIL 10, 2017

Now comes defendant, John W. Cranney, who respectfully moves this Court to continue trial from April 5 to April 10, 2017. In support of this Motion defendant states the following:

1. Mr. Cranney's trial was scheduled to begin on April 3, 2017. Unfortunately, Mr. Cranney had a serious medical condition arise that morning and has been hospitalized ever since. He is undergoing or has undergone a medical procedure today, which should provide a basis for his medical team to assess his prognosis and determine whether additional medical procedures will be necessary. His medical team will also need to provide him with medical clearance to participate in the trial.

2. Undersigned has confirmed the above and has been told that it is "highly unlikely" he will be released before Thursday even under the best scenario. Depending upon the medical team's assessment and review of the tests/procedure conducted today, he might be able to attend court on Monday, April 10th. Whether or not he will be medically cleared to participate in a stressful trial is unknown at this point and will depend upon multiple factors including whether additional medical interventions occur. Counsel for Mr. Cranney expects to have more information by tomorrow morning.

3. Counsel appends by reference as Exhibit 1 a medical letter by a doctor (medical resident) who is a member of Mr. Cranney's team, which has been filed under seal. This letter confirms the assertions made in Paragraphs 1 and 2 above. Additionally, counsel has spoken with the attending physician for this team and he has confirmed the contents, while adding that patient's respond differently depending on health history and age. He further indicated that medical clearance is a team decision. See Affidavit of counsel attached hereto.

4. Counsel for Mr. Cranney also appends the medical records as ordered by the Court under seal as Exhibit 2. These records also confirm his hospitalization, the procedure and his condition.

5. Additionally, the defendant concurs with the government that it makes sense to convene tomorrow to assess trial logistics.

Wherefore, defendant moves this Court to continue the trial from April 5th to April 10, 2017 with the caveat that Mr. Cranney's condition and recovery time have not yet been determined.

Respectfully Submitted,

/s/JAMES BUDREAU
James Budreau
BBO# 553391
Bassil, Klovee & Budreau
20 Park Plaza, Suite 1005
Boston, MA 02116
617-366-2200

CERTIFICATE OF SERVICE

I, James Budreau, do hereby certify that this motion has been filed electronically and that it will be served electronically to registered ECF participants as identified on the Notice of Electronic Filing (NEF) on April 4, 2017. Nonparticipants: none.

/s/ James Budreau
James Budreau

AFFIDAVIT OF COUNSEL

I, James Budreau, state that the following is true to the best of my knowledge:

1. I have spoken with Cranney who is hospitalized. I have visited him and confirmed his medical condition with the nursing staff. I have also spoken with three physicians who are treating him and they all confirm his medical condition, the fact that he was having the procedure today as outlined in the resident's letter. They all state that the team will be in a better position to assess his recovery time and whether additional procedures once they get the results back and are able to evaluate them.

2. The facts in the Motion relayed to me by the medical staff are true to the best of my knowledge and memory.

3. Counsel has already reported to the court and U.S. Attorney's Office the specifics of Mr. Cranney's condition and the procedure that is being conducted today. The information provided in the attached documents are consistent with those reports.

Signed under pains and penalties of perjury on this 4th day of April 2017,

/s/ James Budreau